

HOUSE No. 4013

By Mr. Guyer of Dalton, petition of Denis E. Guyer (by vote of the town) for legislation to provide for the recall of elected public officials of the town of Colrain. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF COLRAIN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Any person who holds an elected office in the
2 town of Colrain, with more than six months remaining in the term
3 of that office on the date of the filing of a recall affidavit may be
4 recalled from office by the registered voters of said town of
5 Colrain, in the manner herein provided.

1 SECTION 2. Fifty or more voters of the town of Colrain may
2 file with the clerk of said town, an affidavit containing the name
3 of the officer whose recall is being sought, along with a statement
4 on the grounds of removal. Said clerk of said town shall provide
5 to the voters, petition blanks demanding such recall, printed forms
6 of which shall be kept available by said clerk. Such petition
7 blanks may be completed either in writing or typewriting, shall be
8 addressed to the board of selectmen, shall contain the names of
9 the voters who filed the affidavit and the grounds for recall as
10 stated in such affidavit; they shall demand the election of a suc-
11 cessor to that office; and shall be dated and signed by said clerk.
12 A copy of such petition shall be kept on file in the office of said
13 clerk in a record book maintained for such purpose.

14 The recall petitions shall be returned and filed in the office of
15 said clerk within fourteen days following the date upon which said
16 clerk issued such petitions; they shall contain the signatures of at
17 least ten percent of the total number of voters duly recorded on
18 the registration list of said clerk as of the most recent preceding
19 town election.

20 Said clerk shall, within forty-eight hours following such filing,
21 submit said petitions to the registrars of voters who shall, within
22 five days, certify thereon the number of signatures which in fact
23 are names of voters in said town.

1 SECTION 3. If the recall petitions shall be certified by the reg-
2 istrars of voters to contain the sufficient number of voter signa-
3 tures, the clerk of the town of Colrain shall forthwith submit such
4 petitions to the board of selectmen. Upon its receipt of the
5 certified petitions, said board of selectmen shall, within forty-
6 eight hours, give written notice of said recall petitions and the
7 certification thereof to the person whose recall is being sought.

8 If the officer sought to be recalled does not resign his office
9 within five days following the following the delivery of said
10 notice, the board of selectmen shall order an election to be held
11 not less than sixty-five nor more than ninety days after the date of
12 said certification, said board of selectmen may, at their discretion,
13 postpone the holding of said recall election until the date of such
14 other town election.

15 If a vacancy occurs in the office after a recall election has been
16 ordered, the election shall nevertheless proceed as provided in this
17 section; provided, however that only the ballots for new candi-
18 dates shall be counted.

1 SECTION 4. No officer whose recall is sought may be a candi-
2 date to succeed himself at the recall election. The nomination of
3 candidates, the publication of the warrant for the recall election
4 and the conduct of said election shall be in accordance with the
5 provisions of law relative to elections, unless otherwise provided
6 in this act.

1 SECTION 5. The incumbent shall continue to perform the
2 duties of his office until the recall election is held. If not recalled
3 in such election, the incumbent shall continue in office for the
4 remainder of his unexpired term, subject to recall as before,
5 except as provided within.

6 If the incumbent officer is recalled he shall be deemed removed
7 upon the qualification of a successor who shall hold office for the
8 remainder of the unexpired term; provided, however, that if the
9 successor fails to qualify within five days after receiving notifica-

10 tion of election, the incumbent nevertheless shall thereupon be
11 deemed removed and such office shall remain vacant for the
12 remainder of the unexpired term.

1 SECTION 6. All ballots used at a recall election shall contain
2 the following propositions in the order indicated:

3 FOR THE RECALL OF (NAME OF OFFICER)

4 AGAINST THE RECALL OF (NAME OF OFFICER)

5 Adjacent to each proposition, there shall be a place to mark a
6 vote.

7 After the proposition shall appear the word "CANDIDATES"
8 followed by the names of all candidates arranged alphabetically
9 by surname.

10 If a majority of the votes cast upon the question of recall are in
11 the affirmative, the candidate receiving the highest number of
12 votes shall be declared elected.

13 If a majority of the votes cast upon the question of recall are in
14 the affirmative, the candidates need not be counted unless the
15 incumbent officer has previously resigned from office pursuant to
16 section three.

1 SECTION 7. No recall petition shall be filed against an officer
2 within six months of the assumption of his office. In the case of
3 an officer who has been subjected to a recall election and was not
4 recalled thereby, no subsequent recall petition shall be filed
5 against such officer until at least six months after the date of the
6 election at which such initial recall was voted upon.

1 SECTION 8. No person who has been recalled from and office
2 or who has resigned from and office while recall proceedings were
3 pending, shall be appointed to any town office within twelve
4 months after such recall or resignation.

1 SECTION 9. This act shall take effect upon its passage.